

REMARKS

The present request is submitted in response to the final Office Action dated October 11, 2006, which set a three-month period for response, making this amendment due by January 11, 2007.

Claims 1-10 are pending in this application.

In the final Office Action, claim 10 was objected to for an informality. Claims 1-2 and 5-10 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent No. 4,262,421 to Bergler et al. Claims 3 and 4 were rejected under 35 U.S.C. 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over Bergler.

In the present request, claim 10 has been amended to address the noted objection.

The Applicant respectfully disagrees that the newly cited reference to Bergler anticipates or makes obvious the present invention as defined in claims 1-10.

The Applicant notes that in Section 4 of the final rejection, the Examiner refers to original claim 1 and not to pending claim 1, which was amended in the amendments dated May 30, 2006 and July 26, 2006.

Claim 1 in its current state is directed to a motor-driven compass saw machine with means for automatically adjusting the oscillation stroke smoothly between the maximum and minimum stroke during the sawing process, as a function of the pressure of the saw blade against a work piece to be sawn.

The Examiner argues that Bergler et al disclose the subject matter of claim 2 (now in claim 1) in the abstract and in column 6, lines 42-50. The Applicant strongly disagrees. At no point in the abstract or anywhere else in the specification do Bergler et al disclose that means are provided for ***automatically*** adjusting the oscillation stroke smoothly during the sawing process, ***as a function of the pressure of the saw blade against a work piece to be sawn.***

Bergler et al disclose a device for control of the presenting stroke, which allows simple, continuous adjustment of the stroke even in the course of operation. The adjusting device comprises an adjustable rotary plate, whereon a swing arm with a control cam applied to the lever arm is disposed eccentrically to the pivot point of the swing arm. The cam has a configuration, such that, depending on the position of the rotary plate, it can be moved out by an adjustable amount (see Bergler et al, column 1, line 65 to column 2, line 21).

According to the abstract, the position of the swing arm directly controls the presenting transverse stroke of the blade guide roll and saw blades. Simple rotationally movement of the rotary plate adjusts the pivot axis of the swing arm and therewith, the presenting stroke of the guide roll against the rear of the saw blade (Bergler abstract).

The saw and its operation are clearly described in detail in column 3, line 46 to column 5, line 9. With each stroke of the saw blade¹⁰, the swing arm 18 is pivoted about its axis 19. The swing arm 18 presses the lever arm 24 more or less downward with its control arm 23, so that the support roll 27 during the stroke of the saw blade 10 will be pressed against the back of the blade 10 and,

thus, during the stroke it leads to a reciprocating movement of the saw blade (see column 4, lines 52-60). In addition, Bergler et al teach that the ***amount of the presenting stroke depends on the adjustment of the rotary plate 20 by means of the switching lever 22*** (see column 4, lines 60-62). The switch lever 22 allows a smooth adjustment of the position of the rotary plate (see column 4, lines 9-11).

Therefore, Bergler et al's specification clearly teaches that the presenting stroke is adjusted ***manually*** by means of the switching lever 22, which is apparent in Fig. 2. Therefore, in contrast with the present invention, the oscillation stroke is **NOT** automatically adjusted as a function of the pressure of the saw blade against a work piece to be sawn.

Because Bergler et al do not disclose all of the features of pending claim 1, the final rejection under Section 102 must be withdrawn. Bergler et al cannot be an appropriate reference either under MPEP section 2131, which indicates that to anticipate a claim a reference must teach every element of the claim in as complete detail as is contained in the Applicant's claim, or under MPEP section 2143.03, since not all of the Applicant's claim limitations are taught or suggested.

For the reasons set forth above, the Applicant respectfully submits that claims 1-10 are patentable over the cited art. The Applicant further requests withdrawal of the final rejection and reconsideration of the claims as herein presented.

In light of the foregoing amendments and arguments in support of patentability, the Applicant respectfully submits that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

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